

Remarks

In the present response, two claims (30, 31) are amended. Claims 4-26 and 28-31 are presented for examination.

I. Claim Amendments

Claims 30 and 31 are amended merely to correct for typographical errors.

II. Subsequent Non-Final

Applicant respectfully requests either a Notice of Allowance or a subsequent non-final rejection. According to the MPEP, a subsequent action can be final “except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement” (see MPEP 706.07(a)). Amendments to claims 30 and 31 merely fix typographical errors.

III. Claim Rejections: 35 USC § 103(a)

Claims 4 – 31 are rejected under 35 USC § 103(a) as being unpatentable over USPN 2001/0009005 (Godin) in view of USPN 2002/0111892 (Sharp) and USPN 5,826,244 (Huberman). Claims 6 and 8 are rejected under 35 USC § 103(a) as being unpatentable over Godin in view of Huberman and US 6,202,051 (Woolston). These rejections are traversed.

Applicant submits a declaration and evidence under 37 CFR 1.131 swearing behind the effective date (Feb. 12, 2001) of Sharp. The declaration and evidence show conception of the invention prior to the effective date of Sharp and show due diligence from prior to the reference date to the filing date of the present application.

Further, regarding claims 8 and 14, per MPEP § 2144.03, Applicant challenges the factual assertion as not properly officially noticed or not properly based upon common knowledge. As such, Applicant asks the Examiner to provide adequate **documentary evidence**. Applicant contends that the noticed fact is not considered common knowledge or well-known in the art.

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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